IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

Bail Appl..No. 4365 of 2007()

AGAINST THE JUDGEMENT/ORDER IN A.3875/2007 Dated 27/06/2007
CRIME NO.52 OF 2007 OF PUTHENVELIKKARA POLICE STATION, ERNAKULAM

.....

: PETITIONER/ACCUSED NO.2

GEORGEKUTTY, S/O.THOMAS AGED 29 YEARS,
THADIKKARAN HOUSE, PUTHENVELIKKARA,
ERNAKULAM DISTRICT.

BY ADV. SRI.NIREESH MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA REPRESENTED BY
SUB INSPECTOR OF POLICE, PUTHENVELIKKARA
POLICE STATION, ERNAKULAM DISTRICT,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4365 of 2007

Dated this the 19th day of July, 2007

ORDER

Application for regular bail. Petitioner is the 2nd accused and he faces allegations, inter alia, under Section 326 and 307 I.P.C. The alleged incident took place on 26.03.07. The petitioner was arrested and continues in custody from 04.06.07. The co-accused are absconding even now and have not been arrested so far.

2. An earlier application for regular bail filed by the petitioner was dismissed by this Court as per order dated 27.06.07, of course, with the observation that the petitioner can move this Court again for bail after 11.07.07. Accordingly this application has been filed.

3. The learned counsel for the petitioner submits that at least now the petitioner may be granted bail. The prayer is opposed by the learned Public Prosecutor on the ground that the investigation is not complete, that the co-accused have not been arrested and that the allegations are very serious and grave. The group rivalry of the goondas has allegedly prompted the commission of the offence, it is pointed out.

4. This order must be read in continuation of the order dated 27.06.07 as I am not persuaded to advert to the basic and skeletal

facts in any greater detail in this order. I find merit in the opposition by the learned Public Prosecutor. Considering the stage of the investigation in particular and the nature and gravity of the allegations raised as also deleterious impact which the release of the petitioner on bail at this early stage would leave behind on the law and order situation in the locality, I am satisfied that the petitioner cannot be granted bail even now.

5. This application for regular bail is, in these circumstances, dismissed, but with the observation that the petitioner shall be at liberty to move the learned Sessions Judge or this Court for bail again at a later stage of the investigation - not, at any rate, prior to 02.08.07.

(R.BASANT, JUDGE)

rtr/-